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Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century": gender mainstreaming, situations and programmatic matters

Release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts

Report of the Secretary-General

Summary

The present report is prepared in response to the request contained in Commission on the Status of Women resolution 52/1. It includes information provided by Member States and entities of the United Nations system.

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I. Introduction

1. At its fifty-second session in 2008, the Commission on the Status of Women adopted resolution 52/1 on the release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts. In that resolution, the Commission expressed grave concern at the continuation of armed conflicts in many regions of the world and the human suffering and humanitarian emergencies they had caused. The Commission recalled relevant resolutions of the General Assembly and Security Council resolutions 1325 (2000) on women, peace and security, 1539 (2004) on children and armed conflict, and 1612 (2005) on children and armed conflict, as well as relevant provisions contained in the instruments of international humanitarian law relative to the protection of the civilian population.

2. The Commission expressed its strong belief that the rapid and unconditional release of women and children taken hostage in areas of armed conflict would promote the implementation of the goals enshrined in the Beijing Declaration and Platform for Action[1] and the outcome documents of the twenty-third special session of the General Assembly,[2] as well as the outcome document of the special session of the Assembly on children[3] entitled "A world fit for children", including the provisions therein regarding violence against women and children.

3. The Commission strongly urged all parties to armed conflicts to fully respect the norms of international humanitarian law in armed conflict and to take all necessary measures for the protection of the civilian population as such, and to release immediately all women and children who have been taken hostage. It also urged all parties to armed conflicts to provide safe and unimpeded access to humanitarian assistance for those women and children in accordance with international humanitarian law. The Commission stressed the need to put an end to impunity and the responsibility of all States to prosecute in accordance with international law those responsible for war crimes, including hostage-taking. The Commission emphasized the importance of objective, responsible and impartial information, including sex-disaggregated data, on hostages, verifiable by relevant international organizations, in facilitating the release of hostages, and called for assistance to those organizations in that regard. The Commission invited the special rapporteurs with relevant mandates, as well as the Special Representative of the Secretary-General for Children and Armed Conflict, to continue to address the issue of women and children taken hostage, including those subsequently imprisoned, in armed conflicts. It also requested the Secretary-General and all relevant international organizations to use their capabilities and undertake efforts to facilitate the immediate release of civilian women and children who had been taken hostage.

4. The Secretary-General was further requested to submit to the Commission at its fifty-fourth session a report on the implementation of resolution 52/1, including relevant recommendations, taking into account the information provided by States and relevant international organizations. The present report is prepared in compliance with that request and is based on information received from Member States and entities of the United Nations system.

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[1] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[2] General Assembly resolution S-23/2, annex.

[3] General Assembly resolution S-27/2, annex.

II. Information from Member States

5. The Governments of Azerbaijan, the Czech Republic, El Salvador, Malta, Mexico, Serbia, Spain, the Sudan, the Syrian Arab Republic and Togo provided information in accordance with resolution 52/1.

6. The Governments of the Czech Republic, El Salvador, Mexico, Spain and Togo reported that they had no information regarding the issue but stated that they fully respected international humanitarian law and supported the implementation of resolution 52/1.

7. The Government of Azerbaijan emphasized that it remained strongly committed to the provisions of resolution 52/1. It supported the view that the rapid and unconditional release of women and children taken hostage in areas of armed conflict would contribute considerably to the implementation of the goals outlined in the Beijing Declaration and Platform for Action and in the outcome documents of the twenty-third special session of the General Assembly. It reported that, as of 2009, 4,166 citizens of Azerbaijan had been declared missing, of whom 47 were children and 255 were women. A total of 1,396 people had been released from Armenian captivity, of whom 169 were children and 343 were women. The Government of Azerbaijan indicated that, according to the testimonials of citizens returning from captivity and from other sources, 783 persons, including 18 children and 46 women, had been imprisoned or taken hostage by Armenia. Moreover, the Government of Azerbaijan indicated that it had provided the Government of Armenia with the names of missing persons.

8. The Government of Azerbaijan emphasized the positive role the International Committee of the Red Cross had played and continued to play in supporting the parties to various conflicts in clarifying the fate of missing persons and proposed that the problem of missing persons should be one of the priorities in the agenda of the United Nations. Member States, intergovernmental and non-governmental organizations should exert all efforts at the national, regional and international levels to address the problem of persons reported missing. Azerbaijan also invited all relevant human rights mechanisms and procedures to pay due attention to this issue.

9. The Government of Malta reported that the provisions of resolution 52/1 of relevance to Malta had been addressed in the Maltese Criminal Code. Where grave breaches of the Geneva Conventions of 12 August 1949 and the taking of hostages had occurred, including in the case of an armed conflict of a non-international character, such acts constituted war crimes.

10. The Government of Serbia expressed its support for the activities and measures undertaken by United Nations entities to ensure the protection of women and children during armed conflicts, including the prevention of kidnappings and abductions. The Government of Serbia noted its own experience with such events during the Kosovo conflict.

11. The Government of the Syrian Arab Republic reported that efforts focused on the improvement of the status of women and children were based on the framework of the Beijing Platform for Action and the outcome documents of the special session of the Assembly entitled "A world fit for children". The Council of Ministers had approved the national child welfare plan for 2006-2008, which had a major impact

on humanitarian issues relating to the welfare of children and their families. Initiatives taken included the enactment of relevant laws, access to educational facilities and provision of daily necessities, and continued communication with relatives, especially in the context of the occupied Golan. The Government of the Syrian Arab Republic reported on the impact of the occupation on the psychological, social and material well-being of Syrian women in the occupied Golan. The Government further reported that women were subjected to oppressive procedures by the occupying soldiers, including personal searches and lengthy waiting periods in front of detention camps.

12. The Government of the Sudan reported that security authorities had arrested members of the Justice and Equality Movement on 10 May 2008. Among those apprehended were children aged 10-17 years who had participated in the fighting. The President of the Republic had established a Higher Committee to deal with these children in accordance with national humanitarian, ethical and legal standards and the relevant international covenants concerning children. The Higher Committee had established a plan of action for the rapid reuniting of these children with their families. In this process, the children had been deemed victims of transgressions committed by the Justice and Equality Movement, inasmuch as they had been enticed or abducted, recruited and used in military operations. The Higher Committee had provided for the children's basic needs, including educational, recreational and health services; and had separated them from adults. Subsequently, the President of the Republic had pardoned about 106 children, who had been returned to their regions and reunited with their families.

III. Information provided by entities of the United Nations system

13. Fourteen entities of the United Nations system responded to the request for information on the implementation of resolution 52/1.[4] The Economic and Social Commission for Western Asia (ESCWA), the United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF) provided information on activities related to the release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts.

14. ESCWA highlighted the issue of Palestinian women held in Israeli prisons as a result of armed conflict and the impact of custody on their health and development. ESCWA also noted the situation in Iraq where the recent surge in violence had raised concerns about the possibility of an increase in hostage-taking of women and children. According to ESCWA, such incidents, which were underreported, were in breach of the 1979 International Convention against the Taking of Hostages, which recognizes that everyone has the right to life, liberty and security of person and that the taking of hostages is an offence of grave concern to the international community.

[4] The 14 entities included the following: the Economic and Social Commission for Asia and the Pacific, the Department of Economic and Social Affairs, the Food and Agriculture Organization of the United Nations, the Office for Disarmament Affairs, the Joint United Nations Programme on HIV/AIDS, the United Nations Conference on Trade and Development, the United Nations Children's Fund, the United Nations Development Programme, the Economic and Social Commission for Western Asia, the United Nations Educational, Scientific and Cultural Organization, the Office of the United Nations High Commissioner for Refugees, the United Nations Population Fund, the United Nations Volunteers and the World Health Organization.

15. UNFPA provided assistance to children and women who were forcibly recruited into, or abducted, by armed groups in a number of countries, including Colombia, Côte d'Ivoire, Indonesia, Liberia, Nepal, the Niger, Sierra Leone and the Sudan. Programmes were provided with the goal of preventing the recruitment of child soldiers, the abduction of women as "bush wives" and sexual slavery. UNFPA assistance focused on reproductive health services, including HIV/AIDS prevention, as well as disarmament, demobilization and reintegration programmes, education, psychosocial/counselling services, occupational and livelihood skills training.

16. UNICEF addresses child protection in emergencies by focusing on the six grave violations of children's rights as articulated in Security Council resolution 1612 (2005), including the killing or maiming of children; recruitment or use of child soldiers; rape and other forms of sexual violence against children; abduction of children; attacks against schools or hospitals; and the denial of humanitarian access to children. In Afghanistan, UNICEF co-chaired the country task force monitoring, reporting and response mechanism for Security Council resolution 1612 (2005) and played a leading role in the preparation of the first annual report on the protection of civilians in armed conflict submitted to the Special Representative of the Secretary-General for Children and Armed Conflict in 2008. In Colombia, the Sudan, Sri Lanka and the Philippines, UNICEF cooperated with monitoring and reporting task forces in investigating the six grave violations of children's rights. In the Occupied Palestinian Territory, UNICEF strengthened child protection monitoring and reporting mechanisms and submitted systematically collected data in bimonthly reports to the Special Representative of the Secretary-General for Children and Armed Conflict. In the Democratic Republic of the Congo, UNICEF assisted in training 143 non-governmental organizations and Government workers on the monitoring and reporting mechanism and issued an annual report on the six grave violations of children's rights.

17. Within the global protection cluster working group, UNICEF co-leads the gender-based violence and child protection areas of responsibility. UNICEF prevention and assistance activities focused on psychological support to children, reunification activities, dialogue with State and non-State actors in advocating the release of abducted children, capacity-building initiatives and the creation of child-friendly spaces in a number of countries, including Afghanistan, Colombia, the Democratic Republic of the Congo, Haiti, Iraq, the Philippines, Sri Lanka, the Sudan and the Occupied Palestinian Territory.

18. UNICEF provided psychosocial support to several thousand children affected by armed conflict in Colombia. In 2008, 84,822 children and adolescents participated in vocational, educational, cultural and sports activities aimed at preventing child recruitment. In 2008, UNICEF assisted in ensuring the release of 415 children from illegal armed groups. By August 2009, an additional 124 girls and 291 boys had been released.

19. In the Democratic Republic of the Congo, UNICEF provided psychosocial support in 2008 to 28,595 children (14,185 girls) through the creation of child-friendly spaces; 4,746 children (766 girls) were supported during their separation from armed groups and forces. In the first half of 2009, more than 350 girls (out of a total of 2,813 children) had been released from armed forces and groups in the Democratic Republic of the Congo during demobilization processes supported by UNICEF.

20. UNICEF worked with 330 community-based support networks in Sri Lanka in facilitating the protection and psychosocial support of children. In 2008, approximately 89 children (including three girls) were released from armed groups, while in 2009, 39 boys were released. UNICEF transferred 543 children (183 girls and 360 boys), verified as formerly associated with armed groups, to centres administered by the Commissioner-General for Rehabilitation.

21. In nine states of the Sudan, UNICEF supported the demobilization of 634 boys and girls during 2008 and 2009. The children benefited from inclusive reintegration activities, including vocational training, life skills, education and accelerated learning programmes and psychosocial support. Over 60 girls were registered for child disarmament, demobilization and reintegration programmes in 2009. In July and August 2009, a groundbreaking achievement was the release of the first 140 children from six armed groups who were signatories to the Darfur Peace Agreement. The programme was implemented by the North Sudan Disarmament, Demobilization and Reintegration Commission in partnership with the State Ministries of Social Welfare and the International Committee of the Red Cross, with the support of UNICEF.

IV. Conclusion and recommendation

22. **The present report is based on the responses of Member States and inputs received from entities of the United Nations system. Five Member States provided information on women and children taken hostage or imprisoned in armed conflict and demonstrated that continued actions were being taken by Governments in the development of policies and legislation as well as in the provision of humanitarian support to women and children taken hostage. Much of the information provided by the United Nations focused on programmes in support of women and children demobilized from situations of forced recruitment into armed forces. Little information was provided on the release of women and children taken hostage or imprisoned in armed conflict.**

23. **The Commission on the Status of Women may wish to invite the Special Representative of the Secretary-General for Children and Armed Conflict to take into account the release of children taken hostage, including those subsequently imprisoned, in armed conflicts, and to provide sex-disaggregated data, where available, when preparing the reports requested by the General Assembly.**